

1 GEORGE A. ZELCS (*pro hac vice*)
2 gzelcs@koreintillery.com
3 **KOREIN TILLERY, LLC**
4 205 North Michigan, Suite 1950
5 Chicago, IL 60601
6 Telephone: (312) 641-9750
7 Facsimile: (312) 641-9751

8 KARMA M. GIULIANELLI (SBN 184175)
9 karma.giulianelli@bartlitbeck.com
10 GLEN E. SUMMERS (SBN 176402)
11 glen.summers@bartlitbeck.com
12 JAMESON R. JONES (*pro hac vice pending*)
13 Jameson.jones@bartlitbeck.com
14 **BARTLIT BECK LLP**
15 1801 Wewetta St. Suite 1200,
16 Denver, Colorado 80202
17 Telephone: (303) 592-3100
18 Facsimile: (303) 592-3140

19 *Counsel for Plaintiffs and the Proposed Class
20 in Carr v. Google LLC, et al.*

21 STEVE W. BERMAN (*pro hac vice*)
22 steve@hbsslaw.com
23 **HAGENS BERMAN SOBOL SHAPIRO
24 LLP**
25 1301 Second Ave., Suite 2000
26 Seattle, WA 98101
27 Telephone: (206) 623-7292
28 Facsimile: (206) 623-0594

29 *Counsel for Plaintiffs and the Proposed Class
30 in Pure Sweat Basketball, Inc. v. Google LLC,
31 et al.*

32 BONNY E. SWEENEY (SBN 176174)
33 bsweeney@hausfeld.com
34 **HAUSFELD LLP**
35 600 Montgomery Street, Suite 3200
36 San Francisco, CA 94104
37 Telephone: (415) 633-1908
38 Facsimile: (415) 358-4980

39 *Counsel for Plaintiffs and the Proposed Class
40 in Peekya App Services, Inc. v. Google LLC, et
41 al.*

42 [Additional counsel appear on signature page]

43 PEGGY J. WEDGWORTH (*pro hac vice*)
44 pwedgworth@milberg.com
45 **MILBERG PHILLIPS GROSSMAN
46 LLP**
47 One Penn Plaza, Suite 1920
48 New York, New York 10119
49 Telephone: 212-594-5300
50 Facsimile: 212-868-1229

51 *Counsel for Plaintiffs and the Proposed
52 Class in Bentley v. Google LLC, et al.*

53 PAUL J. RIEHLE (SBN 115199)
54 paul.riehle@faegredrinker.com
55 **FAEGRE DRINKER BIDDLE &
56 REATH LLP**
57 Four Embarcadero Center, 27th Floor
58 San Francisco, CA 94111
59 Telephone: (415) 591-7500
60 Facsimile: (415) 591-7510

61 CHRISTINE A. VARNEY (*pro hac vice*)
62 cvarney@cravath.com
63 **CRAVATH, SWAINE & MOORE LLP**
64 825 Eighth Avenue
65 New York, New York 10019
66 Telephone: (212) 474-1000
67 Facsimile: (212) 474-3700

68 *Counsel for Plaintiff Epic Games, Inc. in
69 Epic Games, Inc. v. Google LLC, et al.*

70 BRIAN C. ROCCA (221576)
71 brian.rocca@morganlewis.com
72 **MORGAN, LEWIS & BOCKIUS LLP**
73 One Market, Spear Street Tower
74 San Francisco, CA 94105-1596
75 Telephone: (415) 442-1000
76 Facsimile: (415) 442-1001

77 *Counsel for Defendants Google LLC,
78 Google Ireland Limited, Google
79 Commerce Ltd., Google Asia Pacific Pte.
80 Ltd. and Google Payment Corp.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EPIC GAMES, INC.,
Plaintiff,

Case No. 3:20-cv-05671-JD

V.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-07079-JD

BENTLEY, et al.,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05761-JD

MARY CARR, et al.,
Plaintiffs.

v.

GOOGLE LLC et al.,
Defendants

Case No. 3:20-cv-05792-JD

PURE SWEAT BASE
Plaintiffs.

V

GOOGLE LLC et al.,
Defendants

Case No. 3:20-cv-06772-JD

PEEKYA APP SERVICES, INC., et. al,
Plaintiffs

V

GOOGLE LLC et al.,
Defendants

**STIPULATION AND [PROPOSED]
SCHEDULING AND PAGE LIMITS
FOR FORTHCOMING MOTION
PRACTICE**

Judge: Hon. James Donato

**STIPULATION AND [PROPOSED] SCHEDULING ORDER AND
PAGE LIMITS FOR FORTHCOMING MOTION PRACTICE**
Case Nos. 3:20-cv-05761-JD & 3:20-cv-07079-JD

Pursuant to the Court's instructions for the Parties in the above-captioned related actions (the "Related Actions") to meet and confer to develop a revised and unified proposed scheduling order (*Epic Games Inc. v. Google LLC et al.*, Case No. 3:20-cv-05671-JD ("Epic"), ECF No. 82; *Mary Carr, et al. v. Google LLC et al.*, Case No. 3:20-cv-05761-JD ("Carr"), ECF No. 65; *Pure Sweat Basketball, Inc., et al. v. Google LLC et al.*, Case No. 3:20-cv-05792-JD ("Pure Sweat"), ECF No. 66; *Peekya App Services., Inc. v. Google LLC et al.*, Case No. 3:20-cv-06772-JD ("Peekya"), ECF No. 25; *Bentley et al. v. Google LLC et al.*, Case No. 3:20-cv-07079-JD ("Bentley"), ECF No. 25), Plaintiff Epic Games, Inc. in Epic ("Epic"); Plaintiffs Mary Carr, et al. in Carr ("Carr"); Plaintiffs Bentley, et al. in Bentley ("Bentley") (Carr, together with Bentley, "Consumers"); Plaintiffs Pure Sweat Basketball, Inc., et al. in Pure Sweat ("Pure Sweat"); and Plaintiffs Peekya Services, Inc., et al. in Peekya ("Peekya") (Peekya, together with Pure Sweat, "Developers"); and Defendants in the Related Actions Google LLC; Google Ireland Limited; Google Commerce Ltd.; Google Asia Pacific Pte. Ltd; and Google Payment Corp. (collectively, "Google") (Google, together with Epic, Consumers, and Developers, the "Parties"), by and through their undersigned counsel, hereby agree as follows:

A. PROPOSED CASE SCHEDULE

ACTIVITY	DATE
Initial Disclosures	November 9, 2020
Motion to Dismiss (re Epic and Developer Plaintiffs)	November 13, 2020
Opposition re Motion to Dismiss (re Epic and Developer Plaintiffs)	December 21, 2020
Reply re Motion to Dismiss (re Epic and Developer Plaintiffs)	January 20, 2021
Substantial Completion of Party Document Production ¹	June 16, 2021

¹ The parties agree to make rolling productions as soon as documents are ready to be produced.

1	Class Certification Motion With Expert Report	August 9, 2021
2	Class Certification Opposition With Expert Report	September 8, 2021
3	Class Certification Reply With Expert Report	October 6, 2021
4	Class Certification Hearing (including expert testimony/hot tubbing if the Court requests)	Thursday, October 14, 2021
5	Merits Expert Witness Disclosure (identity and topics for opening experts only)	October 25, 2021
6	Fact Discovery Cut Off	October 25, 2021; reopens re class plaintiffs for 44 days after ruling on class certification
7	Opening Expert Reports	October 29, 2021
8	Rebuttal Expert Reports	December 3, 2021
9	Expert Discovery Cut Off	December 17, 2021
10	Dispositive Motions/Daubert	December 22, 2021 (106 days before pretrial conference)
11	Dispositive Motions/Daubert Opposition	January 28, 2022
12	Dispositive Motions Replies	February 10, 2022
13	Dispositive Motion Hearing and Expert Hot Tub	Thursday, February 24, 2022
14	Serve (but not file) Motions in Limine	March 10, 2022 (14 days prior to pretrial filings date)
15	Pretrial Filing Date	March 24, 2022 (14 days prior to final pretrial conference)
16	Final Pretrial Conference	April 7, 2022 (19 days before the start of trial)
17	Trial – Order of trial(s) to be determined	April 26, 2022
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 **B. PROPOSED PAGE LIMITS**

2 As for briefing on the motion to dismiss, the briefs on common legal issues shall have the
3 following page limits: 25 pages for an opening brief; 25 pages in joint opposition; 15 pages in
4 reply. In addition, the parties shall each be entitled to file a separate 5 page opening or opposition
5 or a 5 page (3 page if the party had filed a 5-page opening brief on the same issue) reply brief on
6 any individual issues.

7 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD**

8 Dated: November 6, 2020

9 CRAVATH, SWAINE & MOORE LLP
10 Christine Varney
11 Katherine B. Forrest
12 Gary A. Bornstein
13 Lauren A. Moskowitz
14 M. Brent Byars

15 Respectfully submitted,

16 By: /s/ Yonatan Even
17 Yonatan Even

18 *Counsel for Plaintiff Epic Games, Inc.*

19 Dated: November 6, 2020

20 KOREIN TILLERY, LLC
21 George A. Zelcs
22 Robert E. Litan
23 Randall P. Ewing, Jr.
24 Jonathan D. Byrer
25 Stephen M. Tillery
26 Michael E. Klenov
27 Carol L. O'Keefe

28 BARTLIT BECK LLP
29 Karma M. Julianelli
30 Glen E. Summers
31 Jameson R. Jones

32 Respectfully submitted,

33 By: /s/ Jamie L. Boyer
34 Jamie L. Boyer

35 *Counsel for Plaintiffs and the Proposed*
36 *Class in Carr v. Google LLC et al.*

1 Dated: November 6, 2020

HAGENS BERMAN SOBOL SHAPIRO LLP
2 Robert F. Lopez
3 Benjamin J. Siegel

4 Respectfully submitted,

5 By: /s/ Steve W. Berman
Steve W. Berman

6 *Counsel for Plaintiffs and the Proposed*
7 *Class in Pure Sweat Basketball v. Google*
LLC et al.

8

9 Dated: November 6, 2020

10 MILBERG PHILLIPS GROSSMAN LLP
Robert A. Wallner
11 Elizabeth McKenna
Blake Yagman
12 Michael Acciavatti

13 Respectfully submitted,

14 By: /s/ Peggy J. Wedgworth
Peggy J. Wedgworth

15 *Counsel for Plaintiffs and the Proposed*
16 *Class in Bentley, et al. v. Google LLC et al.*

17
18
19
20
21
22
23
24
25
26
27
28

- 4 -

STIPULATION AND [PROPOSED] SCHEDULING ORDER AND
PAGE LIMITS FOR FORTHCOMING MOTION PRACTICE
Case Nos. 3:20-cv-05761-JD & 3:20-cv-07079-JD

1 Dated: November 6, 2020

HAUSFELD LLP
Melinda R. Coolidge
Katie R. Beran
Samantha J. Stein
Scott A. Martin
Irving Scher

4 Respectfully submitted,

5 By: /s/ Bonny E. Sweeney
6 Bonny E. Sweeney

7 *Counsel for Plaintiffs and the Proposed*
8 *Class in Peekya App Services, Inc. v.*
Google LLC et. al

9
10 Dated: November 6, 2020

11 MORGAN, LEWIS & BOCKIUS LLP
12 Sujal J. Shah
13 Michelle Park Chiu
Minna Lo Naranjo
Rishi P. Satia

14 Respectfully submitted,

15 By: /s/ Brian C. Rocca
16 Brian C. Rocca

17 *Counsel for Defendant Google LLC et. al*

18
19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20
21 DATED: _____

22 _____
HON. JAMES DONATO
United States District Judge

1 **E-FILING ATTESTATION**

2 I, Brian C. Rocca, am the ECF User whose ID and password are being used to file
3 this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the
4 signatories identified above has concurred in this filing.

5 _____
6 */s/ Brian C. Rocca*
7 _____
8 Brian C. Rocca
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28